

MINUTES OF REGULAR MEETING HELD APRIL 4, 2017

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, April 4, 2017 at 8:00 p.m.

Mayor Skibitsky made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 22, 2016. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Skibitsky, Council Members Arena, LoGrippo, Loughlin, Della Fera, Donnelly, Oliveira, Stokes

ABSENT: Councilwoman Neylan

Invocation was given by Councilman Oliveira

PRESENTATIONS

Westfield First – Greg Gradel of Rock ‘N’ Joe Coffee Bar – 20 Prospect Street

The “Race 4 Children” 5k fundraiser is being held by the Friends of the Union County Child Advocacy Center, Sunday, April 23rd at Warinanco Park in Roselle.

Mayor’s Downtown Task Force Chairman William Heinbokel presented the Initial Report of Research and Recommendations

MAYOR'S DOWNTOWN TASK FORCE

Initial Report of Research and
Recommendations

April 4, 2017

MAYORS DOWNTOWN TASK FORCE TIMELINE

- Formed By Mayor Skibitsky in July 2016
- First meeting August 2016
- Held 15 listening sessions with stakeholders including:
 - Property Owners, merchants, restaurateurs, commercial realtors, residential realtors, residents, other business owners, and community leaders
- Contracted with planning Consultant LRK Consultants to:
 - Review and provide analysis of the current ordinances relating to the Downtown
 - Conducted a walking audit - physical inspection of the Downtown to provide insight and suggestions based on their experiences
- Compiled and delivered Initial Report of Research and Recommendations – April 4, 2017

WHAT FALLS WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT?

- Although the Town cannot intercede in private business relationships such as those that exist between the Landlord and Business Tenant, the Town can:
 - Evaluate and implement changes to Parking
 - Offer certain design and regulatory incentives
 - Review and Revise outdated land use ordinances that prevent new types of development in the Downtown
 - Review and Revise development regulations and processes that cause friction in the approval or expansion of existing spaces
 - Nurture an environment that makes the town more "Business Friendly"

RECOMMENDATION AREAS

- Physical Improvements
- Permitted Uses
- Building Height
- Signage
- Approval Process
- Parking
- Other



PHYSICAL IMPROVEMENTS NEAR TERM CONSIDERATIONS

Near term considerations:

- Instituting "Parklet" Program
- Decorating the trees along Elm and Quimby Streets to give town a more inviting feel
- Enhancing/Expanding Downtown Events - Jazz Festival, Halloween Event, Girls Night Out
- Removing half of on street parking meter poles to providing a sense of more public space



PHYSICAL IMPROVEMENTS NEAR TERM CONSIDERATIONS

- Converting Lenox Avenue to one way traffic from Central Avenue to Elmer Street - Adding angled parking to increase available downtown parking.
- Renovate lot #7, incorporating a the portion of Lenox Avenue between Central and North Avenue to expand available parking.
- Adding appropriate containers with lids for recyclables
- Planting appropriate of trees in vacant tree wells.



PERMITTED USES: NEAR TERM CONSIDERATIONS

Amend the LUO to:

- Update definition of "retail service"
- Allow microbreweries and craft distilleries w/ associated tasting rooms;
- Allow basement space to be used as an expansion of ground floor tenant's approved use;
- Allow for the use of tenant space on a temporary basis without having to comply with parking requirements;
- Allow for the shared use of tenant spaces which are too large for single tenants;
- Allow use of rooftop areas on a conditional basis;
- Allow for walk up window to access services
- Allow ground floor office usage for properties fronting North Avenue and South Avenue.



PERMITTED USES: OTHER LONGER TERM CONSIDERATIONS

Amend the LUO to:

- Allow for additional 1st floor office space in other areas of the Central Business District;
- Allow for hotels as permitted principal or conditional use in CBD



BUILDING HEIGHT – NEAR TERM CONSIDERATIONS

Amend the LUO to:

- Exempt stair towers/elevator bulkheads from height requirements
- Clarify height exemptions for decorative architectural features on buildings;
- Assessing the desirability and impacts of a permitted 4th floor or mezzanine/penthouse level structure.



SIGNAGE

Near Term Considerations:

- Allowing A-frame /sandwich board signs
- Allowing for window signage
- Allowing awning signage

Long Term Considerations:

- Rewriting the Sign Ordinance to make it more user friendly

APPROVAL PROCESS – NEAR TERM CONSIDERATIONS

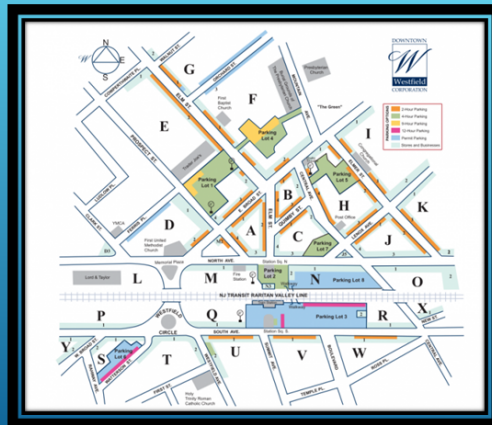
Amend the LUO to:

- Streamline approval process by updating what requires Site Plan Approval
- Supplementing façade regulations to ensure protection of attractive building facades and to allow for administrative review of façade modifications rather than Site Plan approval



PARKING REQUIREMENTS – PRIVATE PROPERTY OWNERS

- Give Zoning Officer the ability to grant waivers of up to 10 spaces, Give the Planning Board the ability to grant waivers of up to 20 spaces
- Implementation of Public Valet Parking system
- Payment in Lieu of parking Program – Monies used to fund improving parking in the Downtown
- Shared Parking – Allows the use of single space by different users at different times of day



PARKING – THE 2.5'S

- On average the Town recorded over 1 Million annual parking transactions within the parking system.
- Less than 2.5% of the users of town parking receive a parking summons – **97.5% of users do not.**
- Number of parking summonses issued by Traffic Enforcement Office per hour – 2.5

ON STREET AND PUBLIC LOT PARKING SHORT TERM CONSIDERATIONS



- Amending Parking Enforcement Hours – 10:00AM to 6:00 PM
- Upgrading and replacing on-street meter heads with double meter heads
 - New meters will allow for more payment options
- Designating at least 2 spaces on Quimby Street as 15 minute pick up spaces after 6:00 PM – allows for pick up of take out orders from downtown restaurants
- Extended outreach and education to market the parking and payment options available

ON STREET AND PUBLIC LOT PARKING MID-TERM CONSIDERATIONS



- Establishing a system of graduated fines – First time offenders pay less, repeat violators pay more
- Explore the feasibility of town-operated valet parking program in evenings (6:00 – 11:00 PM)
- Contract with professional parking consultant to:
 - Assess current system, inventory of spaces and facilities to optimize current parking supply;
 - Offer Proactive solutions to satisfy future needs



Parking Info

ON STREET AND PUBLIC LOT PARKING LONG-TERM CONSIDERATIONS

- Instituting a "payment in lieu of" Program where private business property owners cannot meet parking requirements
- Instituting a shared parking allowance when weekday uses are combined with evening/weekend uses in the same building
- Exploring public/private tiered parking and public tiered parking to provide additional parking availability that may be needed
- Exploring the suitability of a gated/timed parking lot.



OTHER NEAR TERM CONSIDERATIONS

- Facilitating a partnership between ridesharing APPs such as Uber or Lyft and downtown businesses willing to offer these services on a promotional basis
- Seek consensus with local retailers to stay open after 6:00 PM one or more evenings per week to take advantage of additional foot traffic from busy restaurants:
 - Westfield Wednesdays;
 - Thrifty Thursdays;
 - Why Wait for the Weekend ? (Thursday and Friday)



OTHER CONSIDERATIONS

Mid-Term Considerations:

- Requesting the DWC to revisit the 2014 Downtown Market Analysis and engage an appropriate firm to complete an updated analysis

Long-Term Considerations:

- Analyze the results of property tax reduction incentive programs instituted in some NJ municipalities whereby a third party vendor applies discounts offered by merchants to a resident's property taxes to determine if merchants are interested in participating;
- Monitoring emerging technologies to take advantage of any opportunities for collaborative synergies



APPOINTMENT

ADVERTISED HEARINGS

The Council proceeded to the hearing entitled, “GENERAL ORDINANCE NO.2080, AN ORDINANCE FOR CALANDER YEAR 2017 TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, , “GENERAL ORDINANCE NO.2080, AN ORDINANCE FOR CALANDER YEAR 2017 TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)” Introduced by Councilman Arena, seconded by Councilman Della Fera, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:	Arena	Nays:	Absent: Neylan
	LoGrippo		
	Loughlin		
	Della Fera		
	Donnelly		
	Oliveira		
	Stokes		
	Mayor Skibitsky		

BIDS**TOWN OF WESTFIELD****INVITATION TO BID****WEDNESDAY, March 22, 2017****CABIN REPLACEMENT AT TAMAQUES PARK****Bidder****Amount of Bid**

William Kohl Construction Corp	\$607,400.00
523 Newman Springs Road	
Lincroft, NJ 07738	
T.R Weniger	\$339,800.00
1900 New Brunswick Avenue	
Piscataway, NJ 08854	

TOWN OF WESTFIELD**INVITATION TO BID****WEDNESDAY, March 22, 2017****COMFORT STATION AT MEMORIAL PARK****Bidder****Amount of Bid**

William Kohl Construction Corp	\$687,300.00
523 Newman Springs Road	
Lincroft, NJ 07738	
K & D Contractors, LLC	\$547,000.00
351 Monroe Avenue	
Kenilworth, NJ 07033	

MINUTES

On a motion by Councilman Stokes, seconded by Councilman LoGrippe, Council approved the Minutes of the Town Council Meeting held March 21, 2017

On a motion by Councilman Donnelly, seconded by Councilman Arena, Council approved the Minutes of the Conference Session held March 21, 2017

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Lillian Du, one of the owners of Akai Restaurant, told the Council how her husband stumbled upon the Westfield location for their restaurant. They own restaurants in other towns as well and she said how pleased she is with the Westfield location and thanked everyone for welcoming them to town.

Chris Tutino of 503 Carleton Road asked about the annual Mayor's Earth Day Clean Up. Administrator explained Earth Day Clean Up would be celebrated on April 29th since there were other events being held on April 22nd which conflicted with Earth Day events.

Tim Harrington, property owner in the downtown, spoke about the state of retail establishments and said retail is dying a slow death. He said the Town needs to anticipate it and not wait to take action to combat the situation and he appreciated the work of the Task Force that he heard tonight.

Greg Kasko of 434 Everson Place, spoke about an Open Public Records Act (OPRA) he filed years ago and the complaint he made to the Government Records Council (GRC) regarding the redaction of items as well as the Town's participation in the Lasso program whereby the Town obtains surplus equipment from the Federal government.

Robert Bennachio of 528 Forest Avenue spoke on the Downtown Task Force and thanked the Task Force for their work on producing the report that was presented at the meeting and for listening to the residents and other various stakeholder groups.

BILLS AND CLAIMS

Introduced by Councilman Arena, seconded by Councilman LoGrippe were adopted with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$265,107.70 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilman Arena, seconded by Councilman Loughlin were unanimously adopted.

(89) RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individuals:

Name	Account	Class	Fee
Theresa Steer 19 Traveller Way Scotch Plains, NJ 07076	T05-600-071	Volleyball Clinic Ashley Steer- medical	\$125.00
Scott Lerner 824 Kimball Ave. Westfield, NJ 07090	T05-600-071	Volleyball Clinics Samantha- Medical	\$125.00
Ryan Goldman 570 Lawrence Ave. Westfield, NJ 07090	Acct. #195 Pool Memb. Acct.	Family Membership	\$360.00

(90) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2016-2017:

BLOCK AND LOT

NAME AND ADDRESS	PROPERTY	AMOUNT
1004/20/C0008 PERLEY, Eileen Mail to: Doug Perley 411 Thamer Lane Houston, TX 77024	8 Cowperthwaite Square	\$1,000.00
1004/13 Elshiekh Enterprises, LLC 12 Via Vitale Kenilworth, NJ 08033	403 Prospect Street	\$1,760.66
2101/68 KNAPP, Hedy 1000 Central Avenue #34 Westfield, NJ 07090	29 Hawthorn Drive	\$7,612.35

2609/8	609 Drake Place	\$816.39
ROMEO, Russell J – Estate of		
Mail to:		
Edwin G. Cruikshank		
549 Hillcrest Avenue		
Westfield, NJ 07090		

5606/20	133 Wyoming Street	\$659.45
BUNDY, Judy J.		
Mail to:		
Mary Bundy		
219 West 62 Terrace		
Kansas City, MO 64113		

5301/15	897 New England Drive	\$5,338.40
MATTIELLI, MARCUS D & STEPHANIE M.		
895 New England Drive		
Westfield, NJ 07090		

(91) WHEREAS, the following applicants have posted monies to be held in escrow to cover expert advice and testimony in connection with Board of Adjustment and Planning Board applications on said property; and

WHEREAS, expert advice and testimony was given, and

WHEREAS, all bills for these applications have been submitted and paid; and

WHEREAS, the applicant has requested in writing to have the balance of escrow monies be released to them;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the balance of the escrow monies as follows:

App #	Name	Address	G/L	Refund Balance
BOA 16-47	Anthony & Lara DeVita	945 Cleveland Avenue	7-05-560-573	\$376.77
BOA 16-48	Caryn Panarese	650 Willow Grove Road	7-05-560-574	\$200.71
BOA 16-49	Arthur Gawkowski	538 West Broad Street	7-05-560-575	\$949.47
BOA 16-51	Scott & Elizabeth Jeffery	775 Oak Avenue	7-05-560-577	\$950.71
BOA 16-53	Elizabeth Kelly	126 Ludlow Place	7-05-560-579	\$450.71
BOA 16-54	Elizabeth Loder	538 Sherwood Parkway	7-05-560-580	\$449.47
BOA 16-55	Kelly Salzano	507 South Chestnut Street	7-05-560-581	\$200.71
BOA 16-56	Terence Hegarty	544 Hort Street	7-05-560-582	\$450.71

BOA 16-57	James & Jennifer Restivo	786 Warren Street	7-05-560-583	\$200.71
BOA 16-58	Peter & Lucia McGovern	321 St. Johns Place	7-05-560-584	\$950.71
BOA 16-59	Alfonso DeYoung	403 Mountain Avenue	7-05-560-585	\$426.06

The following resolution introduced by Councilman Arena, seconded by Councilman Della Fera was adopted by the following roll call vote:

(92) WHEREAS, permission is required for the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.A.C.5:30-9.9 provides for receipt of Electronic Receipts Fees, by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from Electronic Receipt Fees hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED by the Town of Westfield, Union County, New Jersey as follows:

1. The Westfield Town Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J. A.C.5:30-9.9 as amended for Electronic Receipts Fees.
2. The Municipal Town Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Yeas:	Arena	Nays:	Absent: Neylan
	LoGrippo		
	Loughlin		
	Della Fera		
	Donnelly		
	Oliveira		
	Stokes		
	Mayor Skibitsky		

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Della Fera, Chairman of the Code Review and Town Property Committee, seconded by Councilman Arena were unanimously adopted.

Councilman Oliveira recuses himself and leaves the dais.

(93) RESOLVED that the following application for children's amusement devices be approved:

Amazing Amusements & Entertainment
238 Boundary Road
Marlboro, NJ 07746

Carnival Day
June 15, 2017
McKinley School
500 First Street

McKinley Elementary School
500 First Street
Westfield, NJ 07090

(94) BE IT RESOLVED by the Town Council of the Town of Westfield that the Special Affordable Housing Counsel is authorized to sign settlement agreement with the Fair Share Housing Center.

(95) WHEREAS, the Fair Housing Act of 1985 (the "Act") and the Mount Laurel Doctrine require that the Town provide opportunities for affordable housing within the municipality; and

WHEREAS, the Town owns two vacant lots located at 244 Myrtle Avenue (Block 407, Lot 13) and 304 Myrtle Avenue (Block 406, Lot 1); and

WHEREAS, the ARC of Union County, Inc. ("ARC") is seeking to develop community residences within the Town for people with developmental disabilities who are of the age of 21 or older; and

WHEREAS, the Town is agreeable, upon certain conditions, to conveying to ARC these two lots for development of two community residences for people with developmental disabilities.

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield agrees to convey to ARC the property located at 244 Myrtle Avenue and 304 Myrtle Avenue for development of two community residences for people with developmental disabilities who are of the age of 21 or older who qualify as very low income persons pursuant to applicable law, subject to the following conditions:

(a) ARC shall provide proof of adequate financing to complete the project on or before January 15, 2018;

(b) The final plans and specifications for the development on both lots shall be subject to final approval by the Town Council; and

(c) A building permit shall be applied for by ARC on or before July 1, 2018 and ARC shall agree to complete construction on or before January 1, 2019.

Councilman Oliveira returns to the dais

Public Works Committee

The following resolutions, introduced by Councilman Oliveira, Chairman of the Public Works Committee, seconded by Councilman Stokes, were unanimously adopted.

(96) WHEREAS, sealed bids were received by the Town Clerk on March 22, 2017 for the Comfort Station at Memorial Park; and

WHEREAS, sealed bids were received by the Town Clerk on March 22, 2017 for Cabin Replacement at Tamaques Park; and

WHEREAS, the Recreation Director in consultation with the Town's Environmental Consultant Engineering Firm has determined that the bids submitted for both projects far exceeded the amount budgeted by the Town, and are therefore rejected.

NOW, THEREFORE, BE IT RESOLVED that the Recreation Director is hereby authorized to re-bid for both the Comfort Station at Memorial Park and for Cabin Replacement at Tamaques Park.

(97) BE IT RESOLVED by the Town Council of the Town of Westfield that the Mayor is authorized to sign a shared services agreement for disposal services with the Plainfield Municipal Utilities Authority.

(98) WHEREAS the Town of Westfield will conduct a Residential Cleanup Program for which it will need the services of a disposal company, and

WHEREAS bids were received by the Town Clerk on Wednesday, March 22, 2017, and the apparent low bid from Republic Services of New Jersey, LLC, 5 Industrial Drive, New Brunswick, New Jersey 08901 has been analyzed and found to be fair and reasonable, and in accordance with the appropriate specifications for this work, and

WHEREAS Certificate of the Town Treasurer, certifying to the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Operating Budget Account #137-229.

NOW THEREFORE BE IT RESOLVED that the following contractual award be made, and the proper Town Officials be, and they are hereby, authorized to act as appropriate in the execution and discharge of this Contract.

REPUBLIC SERVICES OF NEW JERSEY, LLC
5 INDUSTRIAL DRIVE
NEW BRUNSWICK, NJ 08901

Collection & Transport	\$70.00
Tipping Fee	<u>45.00</u>
Total Bid Price Per Permit	\$115.00

Reports of Department Heads

Upon motion by Councilman Stokes, seconded by Councilman Oliveira the meeting was adjourned at 9:23 p.m.

Claire J. Gray

Town Clerk